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PATENT

Attorney's Docket No. SST/1070

EV 459414405

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lee W. MUELLER

Conf. No. 1985

Application No.: 09/603,727

Examiner: CHILCOT, Richard E.

Filed: June 23, 2000

Art Unit: 3627

For: PRE-ASSEMBLED INTERNAL SHEAR PANEL

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Signed: 
Charles R. Cypher

INFORMATION DISCLOSURE STATEMENT

Applicant submits herewith patents, publications or other information, of which Applicant is aware that Applicant believes may be material to the examination of this application, and in respect of which, there may be a duty to disclose. The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. (Notice of January 9, 1992, 1135 O.G. 13-25)

This information disclosure statement is accompanied by Form PTO/SB/08 (substitute for Form PTO-1449) and legible copies of all cited U.S. patent documents and publications, foreign patent documents, and non-patent literature listed in said form.

Further, in satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and as required by M.P.E.P. § 2001.06(b), Applicant notes that the present application is related to the following co-pending patent application: United States Patent Application No. 10/734,870, titled "Corrugated Shearwall," filed December 12, 2003 by inventors William F. Leek, Jose L. Perez and Jerry G. Gridley.

Applicant also submits herewith the following concise statement of relevance as to selected references:

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Attorney's Docket No. SST/1070C30 — SCHMID, Calculation Sheet re Apartment Bldgs Seismic Strengthening

Ben L. Schmid is a structural engineer. He shared the cited calculation sheet with Alfred D. Commins, who was at that time an employee of the Assignee of the instant application. The calculation sheet shows a method of reinforcing an existing wall in a building against lateral forces. The wall has an opening for a window in it. According to the method, the interior sheet rock of the existing wall is removed to gain access to the interior of the wall to add additional structural members. The method includes the step of adding horizontal blocking to the wall. The horizontal blocking is placed just underneath the window opening. The blocking continues past either side of the window to the ends of the wall at the same height. The blocking appears to be connected with a continuous 2" by 14 GA strap. The strap is attached to the blocking with #8 x 2" wood screws that are spaced approximately 3" on center. The method also appears to include the step of laying structural plywood over the blocking, the strap and the other components added to the existing wall. It appears that four sheets of plywood are used. Two 4' x 8' panels overlay the portions of the wall on either side of the window. A 2.5' x 4' panel overlays the area underneath the window, and a 1' x 4' panel overlays the area above the window.

C31 — UTZMAN, Provision Patent Application Specification entitled: SHEAR PANEL JOINT

A draft of this patent specification was viewed by Alfred D. Commins, who was at that time an employee of the Assignee of the instant application. At the time, Commins was told that the draft he reviewed had been filed with the United States Patent Office as a provision patent application. Applicant's attorney has viewed issued U.S. Patent 5,870,870 and has compared it to the draft reviewed by Assignee's employee. The two are substantially similar with added material appearing in the non-provisional application that issued as U.S. Patent 5,870,870.

Applicants are including this reference because the examiner may feel it to be relevant. Applicant's citation of this reference in this Information Disclosure Statement should not be taken as an admission that it constitutes prior art.

C32 — Typical CS Installation as a Floor-to-Floor Tie with Strap attached over plywood

This drawing is best viewed in combination with reference C27, which is page 56 from Simpson Strong-Tie Company, Inc.'s 1996 catalog *Wood Construction Connectors*. Catalog C-96, which shows the typical installation of a coiled strap as a floor-to-floor tie. This drawing is provided to let the examiner know that the CS strap shown in the Simpson Strong-Tie *Wood Construction Connectors* catalog is often installed as a floor-to-floor tie after the plywood or other structural panel

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has been mounted on the side of the building. The strap is then laid over the panel and attached with additional fasteners into the studs of the wall.

The person making this certification is the practitioner who signs below on the basis of the information supplied by the inventor(s) and the assignee and in the practitioner's file.

This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination under 37 C.F.R. § 1.114 and the requisite fee. While no further fee is believed to be due, if this belief is in error the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required for this paper, or credit any overpayment to Deposit Account No. 03-4075 (Atty. Docket No. SST-1070).

Respectfully submitted,

Date: 11/14/2004

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Attachments: Form PTO/SB/08 (3 pgs)
48 cited references

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